

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,322

IN THE MATTER OF:

Served March 9, 2007

Application of ERIC CARTES BROWN to )  
Change Trade Name on Certificate )  
No. 1350 From E N A TRANSPORTATION )  
to E N A TRANSPORTATION SERVICES )

Case No. AP-2007-043

Application of ERIC CARTES BROWN, )  
Trading as E N A TRANSPORTATION, )  
for a Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-2006-228

Certificate of Authority No. 1350 was conditionally granted to Eric Cartes Brown, trading as E N A Transportation, on January 22, 2007, in Order No. 10,242, in Case No. AP-2006-228. The certificate has not been issued yet, but applicant has filed an application to change his trade name to "E N A Transportation Services". The application is supported by proof of registration of the new trade name with the District of Columbia Department of Consumer and Regulatory Affairs.

Under Title II of the Compact, Article XI, Section 10(b), the Commission may amend a certificate of authority upon application by the holder.

The application shall be conditionally granted.

THEREFORE, IT IS ORDERED that upon applicant's timely compliance with the requirements of Order No. 10,242, Certificate of Authority No. 1350 shall be issued to Eric Cartes Brown, trading as E N A Transportation Services, 154 Xenia Street, S.E., #104, Washington, DC 20032.

FOR THE COMMISSION



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,321

IN THE MATTER OF:

Served March 9, 2007

Application of SHANTEL AMANDA )  
POWELL, Trading as BRANDON'S )  
TRANSPORTATION, for a Certificate )  
of Authority -- Irregular Route )  
Operations )

Case No. AP-2006-076

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 9833, served August 14, 2006.

Order No. 9833 specified that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully comply with the prescribed conditions within the allotted time. The conditional grant consequently became void on February 13, 2006. Under Article XIII, Section 4(a), applicant had until March 15, 2007, to file an application for reconsideration.<sup>1</sup>

Respondent timely filed an application for reconsideration as of February 20, 2007, but the application does not allege any error on the part of the Commission as required by statute.<sup>2</sup> The application therefore is denied. However, considering that applicant has fully satisfied the conditions of issuance prescribed in Order No. 9833, we will reopen this proceeding on our own initiative<sup>3</sup> and issue Certificate of Authority No. 1264.<sup>4</sup>

THEREFORE, IT IS ORDERED that Certificate of Authority No. 1264 shall be issued to Shantel Amanda Powell, trading as Brandon's Transportation, 1432 Girard Street, N.W., #401, Washington, DC 20009.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

<sup>2</sup> Compact, tit. II, art. XIII, § 4(a).

<sup>3</sup> Commission Rule No. 26-04.

<sup>4</sup> See Order No. 7063 (proceeding reopened to issue certificate of authority).

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,320

IN THE MATTER OF:

Served March 9, 2007

BARBARA MOSS GOVER, Trading as YOU )  
& ME TRAVEL, Suspension and )  
Investigation of Revocation of )  
Certificate No. 508 )

Case No. MP-2006-196

Application of BARBARA MOSS GOVER, )  
Trading as YOU & ME TRAVEL, for )  
Voluntary Termination of )  
Certificate No. 508 )

Case No. AP-2007-035

Certificate No. 508 was automatically suspended on December 10, 2006, pursuant to Regulation No. 58-02, for respondent's willful failure to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance.

On December 11, 2006, the Commission served notice on respondent in Order No. 10,137, that Certificate No. 508 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s), and pay a \$50 late fee pursuant to Regulation No. 67-03(c), within thirty days. Respondent paid the \$50 late fee on January 8, 2007, but has yet to file the necessary insurance endorsement(s).

On February 20, 2007, respondent notified the Commission that she cancelled her commercial auto insurance coverage and has "temporarily" closed her business.

Although the Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder, voluntary termination is not available if the carrier is not in good standing with the Commission.<sup>1</sup>

Respondent is not in good standing. Respondent has yet to pay her \$150 annual fee for 2007 and file her 2007 annual report. Both were due January 31, and under Regulation No. 67-03, respondent now owes another \$200 in late fees.

Because respondent is not in good standing, we shall not grant voluntary termination.<sup>2</sup> Because respondent has failed to file the

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<sup>1</sup> See *In re Executive Mobile Servs., Inc.*, No. AP-03-41, Order No. 7236 (June 11, 2003) (voluntary termination denied where annual fee and annual report overdue).

<sup>2</sup> *Id.*

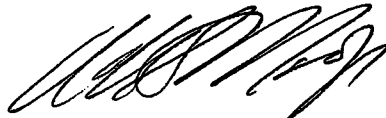
necessary WMATC Insurance Endorsement(s), we shall revoke Certificate No. 508 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Regulation No. 58.<sup>3</sup>

The \$150 annual fee for 2007 and annual report for 2007 shall remain due. The \$200 in late fees assessed under Regulation No. 67-03 shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 508 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 508 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> Id.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,319

IN THE MATTER OF:

Served March 9, 2007

AVERY TRANSPORTATION, LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 1111 )

Case No. MP-2006-195

Application of AVERY TRANSPORTATION,) )  
LLC, for Voluntary Termination of )  
Certificate No. 1111 )

Case No. AP-2007-008

Certificate No. 1111 was automatically suspended on December 6, 2006, pursuant to Regulation No. 58-02, for respondent's willful failure to maintain on file with the Commission proof of \$1.5 million in combined-single-limit, motor vehicle liability insurance.

That same day, the Commission served notice on respondent in Order No. 10,135, that Certificate No. 1111 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s), and pay a \$50 late fee pursuant to Regulation No. 67-03(c), within thirty days. Respondent filed an acceptable replacement endorsement on December 14, 2006, but has yet to pay the \$50 late fee.

On January 18, 2007, respondent filed its annual report for 2007, a request for waiver of the \$150 annual fee for 2007, and a request to voluntarily terminate Certificate No. 1111.

The Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder. The application shall be denied if the carrier is not in good standing with the Commission.<sup>1</sup>

Respondent is not in good standing. Respondent still owes the \$50 late fee under Regulation No. 67-03(c) and the \$150 annual fee under Regulation No. 67-02. Respondent offers no explanation for failing to pay the late fee, and its argument for not paying the annual fee lacks merit.

Respondent argues that the annual fee should be waived because respondent has closed its business. If that were reason enough, the Commission should not have issued numerous orders in the past specifically stating that outstanding annual fees owed by other

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<sup>1</sup> See *In re Executive Mobile Servs., Inc.*, No. AP-03-41, Order No. 7236 (June 11, 2003) (voluntary termination denied where annual fee and annual report overdue).

carriers would remain due after their operations had ceased and their operating authority had terminated.<sup>2</sup>

The annual fee requirement applies to each carrier holding a certificate of authority on the first day of the calendar year<sup>3</sup> - not just to those who hold authority and are still operating. Payment is due by January 31.<sup>4</sup> The record indicates that respondent closed its business "as of January 8, 2007". By then, the annual fee was already due, and respondent has failed to show cause why it should be waived.

Because respondent is not in good standing, we shall deny the application for voluntary termination.<sup>5</sup> Because respondent has failed to pay the \$50 late fee under Regulation No. 67-03(c) as directed by Order No. 10,135, we shall revoke Certificate No. 1111 pursuant to Article XI, Section 10(c), of the Compact.<sup>6</sup>

The \$50 late fee and \$150 annual fee shall remain due. The \$100 late fee assessed under Regulation No. 67-03(b) for failing to pay the annual fee, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1111 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 1111 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>2</sup> See e.g., *In re Tatita, Inc.*, No. MP-06-020, Order No. 9459 (Apr. 5, 2006) (revoking authority and affirming annual fee still due); *In re Besy's Transp., Inc.*, No. MP-06-016, Order No. 9458 (Apr. 5, 2006) (same); *In re Voice of Social Concern Ass'n, Inc.*, No. MP-05-187, Order No. 9457 (same); *In re LogistiCare Solutions, LLC, t/a LogistiCare*, No. MP-05-181, Order No. 9456 (same); *In re Bellah Reliable Transport., Inc.*, No. MP-05-179, Order No. 9455 (same).

<sup>3</sup> Regulation No. 67-02.

<sup>4</sup> *Id.*

<sup>5</sup> Order No. 7236.

<sup>6</sup> See *In re Marshall Heights Community Development Org., Inc.*, No. MP-06-059, Order No. 9891 (Sept. 6, 2006) (certificate revoked for failure to pay \$50 late fee).

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,318

IN THE MATTER OF:

Served March 9, 2007

SENIOR CITIZEN COUNSELING & DELIVERY)  
SERVICES, Suspension and )  
Investigation of Revocation of )  
Certificate No. 461 )

Case No. MP-2006-209

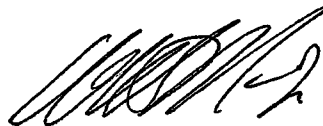
Certificate No. 461 has been suspended since December 31, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,176, served January 4, 2007, noted that Certificate No. 461 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 461 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfilled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 461 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 461 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,317

IN THE MATTER OF:

Served March 9, 2007

FIRST TRANSIT, INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 157 )

Case No. MP-2006-207

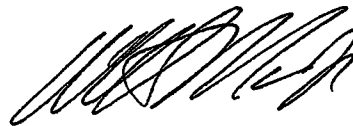
Certificate No. 157 has been suspended since December 31, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,174, served January 4, 2007, noted that Certificate No. 157 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 157 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfiled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 157 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 157 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director



WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,316

IN THE MATTER OF:

Served March 9, 2007

CAREER BUS CORP., Suspension and )  
Investigation of Revocation of )  
Certificate No. 1134 )

Case No. MP-2006-199

Certificate No. 1134 has been suspended since December 16, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,142, served December 18, 2006, noted that Certificate No. 1134 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 1134 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfilled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 1134 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 1134 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,315

IN THE MATTER OF:

Served March 9, 2007

MICHAEL A. NKENG, Trading as NKENG )  
AND SONS, Suspension and )  
Investigation of Revocation of )  
Certificate No. 651 )

Case No. MP-2006-197

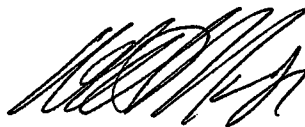
Certificate No. 651 has been suspended since December 11, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,138, served December 11, 2006, noted that Certificate No. 651 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 651 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfiled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 651 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 651 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,314

IN THE MATTER OF:

Served March 9, 2007

TARIG H. ABDALLA, Trading as ALIA )  
TRANS, Suspension and Investigation )  
of Revocation of Certificate )  
No. 687 )

Case No. MP-2006-191

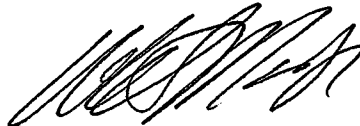
Certificate No. 687 has been suspended since November 29, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,102, served November 29, 2006, noted that Certificate No. 687 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to file the necessary insurance endorsement(s) and pay the late fee. Accordingly, Certificate No. 687 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfilled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 687 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 687 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,313

IN THE MATTER OF:

Served March 9, 2007

CHARLES BURNEY MAINOR, Trading as )	Case No. MP-2006-186
MAINOR'S BUS SERVICE, Suspension )	
and Investigation of Revocation of )	
Certificate No. 463 )	

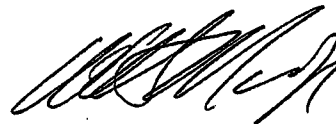
Certificate No. 463 has been suspended since November 18, 2006, for respondent's willful failure to comply with the insurance requirements specified in Regulation No. 58. Order No. 10,087, served November 20, 2006, noted that Certificate No. 463 would be subject to revocation if respondent failed to file the necessary insurance endorsement(s) and pay a \$50 late fee within thirty days. Respondent has yet to pay the late fee. Accordingly, Certificate No. 463 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

The \$50 late fee shall remain due. In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2007, unfiled 2007 annual report, and another \$200 in late fees, shall also remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 463 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
  - c. surrender Certificate No. 463 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,312

IN THE MATTER OF:

Served March 9, 2007

PEOPLE HELPING PEOPLE, INCORPORATED,) )  
Suspension and Investigation of )  
Revocation of Certificate No. 429 )  
)

Case No. MP-2007-042

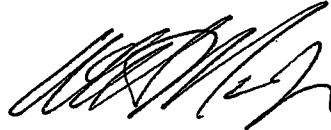
Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 429 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired on March 3, 2007, without replacement. As a result, Certificate No. 429 was automatically suspended under Regulation No. 58-02, and a \$50 late filing fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 10,303, served March 5, 2007.

Respondent filed an acceptable \$1.5 million primary WMATC Insurance Endorsement on March 8, 2007 and tendered \$50 cash on March 9, 2007. Accordingly, the suspension is lifted, and this investigation is terminated.

IT IS SO ORDERED.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director

William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,310

IN THE MATTER OF:

Served March 9, 2007

PREMIER COACHES, INC., Suspension )  
and Investigation of Revocation of )  
Certificate No. 961 )

Case No. MP-2007-046

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 961 for a minimum of \$5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$50 shall be due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

The \$5 million primary WMATC Insurance Endorsement on file for respondent expired on March 9, 2007, and has not been replaced. Certificate No. 961, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

In addition, under Regulation No. 67-03 respondent owes \$200 in outstanding late fees because it failed to timely file a complete 2007 annual report and/or pay its annual fee for 2007.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 961, unless and until otherwise ordered by the Commission.

2. That within thirty days, respondent shall file the necessary WMATC Insurance Endorsement(s) and pay by money order, certified check, or cashier's check the sum of \$250, or show cause why Certificate No. 961 should not be revoked pursuant to Article XI, Section 10(c), of the Compact.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,309

IN THE MATTER OF:

Served March 8, 2007

SUPER TRANSPORT INCORPORATED, )  
Suspension and Investigation of )  
Revocation of Certificate No. 989 )

Case No. MP-2007-045

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 989 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$50 shall be due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

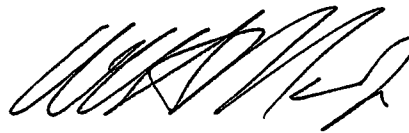
The \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired on March 8, 2007, and has not been replaced. Certificate No. 989, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 989, unless and until otherwise ordered by the Commission.

2. That Certificate No. 989 shall be subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay \$50 by money order, certified check, or cashier's check within thirty days.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director



WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,308

IN THE MATTER OF:

Served March 7, 2007

CORPORATE TRANSPORTATION SERVICES, )  
LLC, Trading as CTS, Suspension and )  
Investigation of Revocation of )  
Certificate No. 868 )

Case No. MP-2007-044

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 868 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$50 shall be due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

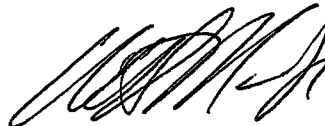
The \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired on March 7, 2007, and has not been replaced. Certificate No. 868, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 868, unless and until otherwise ordered by the Commission.

2. That Certificate No. 868 shall be subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay \$50 by money order, certified check, or cashier's check within thirty days.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,307

IN THE MATTER OF:

Served March 6, 2007

Application of ARNIDA BALL LAMONT,	)	Case No. AP-2006-234
Trading as PAL, for a Certificate	)	
of Authority -- Irregular Route	)	
Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

Applicant, Arnida Lamont, is also the president of Lamont and Wade Associates, WMATC Carrier No. 399.

Applications for certificates of authority are governed by Title II of the Compact, Article XI, Section 7. Applications for approval of common control are governed by Article XII, Section 3.

**I. CERTIFICATE OF AUTHORITY**

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with one van. Applicant proposes operating under a tariff containing rates for Medicaid transportation, private pay rates for similar service, and rates for transportation under contracts with government agencies and private entities.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

## II. COMMON CONTROL

Article XII, Section 3(a)(iii), of the Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means. Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>1</sup> The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>2</sup>

The Commission has uniformly approved common control in the past where the owner of an existing WMATC carrier decides to expand service in the Metropolitan District through a newly created entity.<sup>3</sup> In such cases the Commission has held that the controlling party is entitled to a presumption of fitness, that expansion of service through a newly created entity does not raise competition concerns, and that the interests of affected employees are not at issue where an applicant has no prior operations.<sup>4</sup> These same principles apply here, where applicant controls an existing WMATC carrier and intends to expand service as a sole proprietor.

Each carrier is admonished to keep its assets, books, finances and operations completely separate from the other's. Sharing of office space will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.<sup>5</sup>

### THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1363 shall be issued to Arnida Ball Lamont, trading as PAL, 1917 U Place, S.E., Washington, DC 20020.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order

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<sup>1</sup> Compact, tit. II, art. XII, § 3(c).

<sup>2</sup> Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE § 9-1103.04); *In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd.*, No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

<sup>3</sup> *In re Capital City Coach, Inc.*, No. AP-05-32, Order No. 8752 (June 1, 2005).

<sup>4</sup> *Id.*

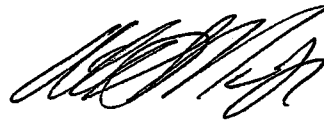
<sup>5</sup> *Id.*

unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

FOR THE COMMISSION

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive, flowing style.

William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,306

IN THE MATTER OF:

Served March 6, 2007

PEARLEAN VIVIAN COOK, Trading as        )  
PEARL'S TRANSPORTATION COMPANY,        )  
Suspension and Investigation of        )  
Revocation of Certificate No. 1118    )

Case No. MP-2006-178

This matter is before the Commission on respondent's response to Order No. 10,209, served January 8, 2007.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1118 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1118 was rendered invalid on November 7, 2006, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,061, noted the automatic suspension of Certificate No. 1118 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1118, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 1118. Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 3, 2007. The effective date of the new endorsement is December 28, 2006. This means that respondent was without insurance coverage for fifty-one days, from November 7, 2006, through January 27, 2007.

Pursuant to Commission Rule No. 28, Order No. 10,209 gave respondent thirty days to verify cessation of operations as of November 7, 2006. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), such verification was to be corroborated by DC Medicaid.

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

On February 8, 2007,\* respondent filed an affidavit confirming that respondent ceased operating as of November 7, 2006. The affidavit is corroborated by DC Medicaid. Based on the evidence, the suspension shall be lifted and this proceeding terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND MILLER:

A handwritten signature in black ink, appearing to read 'William S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.  
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,305

IN THE MATTER OF:

Served March 6, 2007

Application of CITY SIGHTSEEING	)	Case No. AP-2006-013
BUSES LLC for a Certificate of	)	
Authority -- Irregular Route	)	
Operations	)	

This matter is before the Commission on the Answer/Reply of City Sightseeing Washington DC Inc., (City Sightseeing DC), WMATC Carrier No. 931, to Order No. 10,265, served February 1, 2007.

Applicant has filed a rejoinder, supported by an amended tariff. Neither the Commission's Rules nor Order No. 10,265 provide for any pleadings from applicant at this point. Accordingly, we shall not consider applicant's rejoinder, including the tariff in support, for purposes of this decision.

**I. BACKGROUND**

The Commission approved the issuance of Certificate No. 1240 over the objection of City Sightseeing DC in Order No. 9651, served June 15, 2006, subject to the precondition that applicant file certain documents and present its vehicle(s) for inspection within 180 days. Applicant failed to meet the deadline, thereby voiding the grant under the terms of Order No. 9651 and Commission Regulation No. 66. Applicant thereafter filed an application for reconsideration of the voiding of the grant, supported by the documents required by Order No. 9651 and proof that applicant's sole vehicle had subsequently passed inspection by Commission staff.

We denied applicant's request for reconsideration in Order No. 10,265 for applicant's failure to specify Commission error, a statutory prerequisite, but because applicant had apparently, if belatedly, satisfied the substantive conditions prescribed in Order No. 9651, we proposed reopening this proceeding under Commission Rule No. 26-04 and issuing Certificate of Authority No. 1240 in accordance with *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003). Consistent with the Commission's rules on reconsideration and reopening, however, we decided to seek comment from City Sightseeing DC, first.

**II. CITY SIGHTSEEING'S ANSWER/REPLY**

City Sightseeing DC opposes reopening the proceeding and issuing Certificate No. 1240 on the grounds that: (1) the precedent cited in Order No. 10,265 does not support the action proposed by the Commission and amounts to "rulemaking by decision"; (2) applicant has not satisfied the conditions specified in Order No. 9651; and (3)

applicant's post-grant conduct demonstrates that it is not fit to receive a certificate of authority.

#### A. Commission Precedent

We cited *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003), in Order No. 10,265 in support of our proposal to reopen this proceeding and issue Certificate No. 1240. City Sightseeing DC challenges our reliance on *Boone-McNair*, arguing that the applicant in *Boone-McNair* attempted to satisfy the conditions of the grant before its 180 days expired, whereas this applicant did not. City Sightseeing DC urges the Commission to rely on *In re Westview Medical & Rehabilitation Services, P.C. Inc.*, No. AP-01-50, Order No. 6557 (Mar. 4, 2002), instead.

First, *Boone-McNair* is on point as a matter of law. The central holding in *Boone-McNair* is that:

[T]he voiding of a conditional grant of authority pursuant to Regulation No. 66 represents the final decision of the Commission. A party may not petition the Commission to reopen a proceeding and receive additional evidence after a final decision has been entered. The only channel for challenging a final decision of the Commission is filing an application for reconsideration under Article XIII, Section 4, of the Compact.<sup>1</sup>

Applicant here filed a timely application for reconsideration.

Second, *Boone-McNair* is on point as a matter of fact. Although the applicant in *Boone-McNair* attempted to satisfy the conditions of the grant before its 180 days had run, the only ground cited in Order No. 7063 for reopening the proceeding and issuing applicant's certificate of authority was that applicant had finally satisfied the substantive conditions of the grant.<sup>2</sup> As explained below, we find that this applicant has satisfied the substantive conditions of the grant in Order No. 9651.

City Sightseeing DC criticizes this process as "rulemaking by decision" because it has "the effect" of "converting Rule 66's 180 provision for compliance into a rule providing for a 210 day period."<sup>3</sup> We disagree. Regulation No. 66 is primarily a check on the Executive Director. Prior to adoption of Regulation No. 66 in 1991,<sup>4</sup> the Executive Director's power to grant extensions under Rule No. 7-05 was only limited by a requirement to find good cause. Conceivably, the Executive Director could have extended an application proceeding indefinitely. That changed in 1991 with the adoption of Regulation

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<sup>1</sup> Order No. 7063 at 2-3.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> Answer/Reply of City Sightseeing DC at 3.

<sup>4</sup> *In re Rules of Prac. & Proc. & Regs.*, No. MP-91-05, Order No. 3600 (Jan. 17, 1991).



No. 66 and amendment of Rule No. 7-05 to preclude any extension of an application by the Executive Director beyond 180 days after the issuance of a conditional grant. The Commission, on the other hand, may waive Regulation No. 66 in its discretion or for good cause shown under Rule No. 29.<sup>5</sup>

Regulation No. 66 is not controlling once the record is closed, in any event. Closed proceedings are governed by the Commission's rules on reopening and reconsideration, Rules No. 26 and 27, respectively. Other than an amendment incorporating the statutory reversal of an automatic stay provision not relevant here,<sup>6</sup> these two rules were not materially changed when they were recodified in the rulemaking adopting Regulation No. 66 in 1991.<sup>7</sup> Not surprisingly, the Commission has not changed its interpretation of these rules since then either. The Commission has relied on evidence adduced in support of an application for reconsideration to reopen an application proceeding, despite denying reconsideration, both before<sup>8</sup> and after<sup>9</sup> Regulation No. 66 was added in 1991.

And although an applicant may not petition for reopening under Rule No. 26-01 once a decision has been rendered, there is no such limitation on the Commission's right to reopen under Rule No. 26-04. Indeed, it would appear there is no time limit at all.<sup>10</sup> The question

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<sup>5</sup> See *In re Ariana's Transportation Services, LLC*, No. AP-06-057, Order No. 10,156 (Dec. 21, 2006) (waiving Reg. No. 66 for good cause shown); *In re JBT Enterprise, LLC, t/a Access Mobility Transp.*, No. AP-05-111, Order No. 9755 (July 19, 2006) (same); *In re Old Town Trolley Tours of Wash., Inc., & D.C. Ducks, Inc.*, No. AP-96-44, Order No. 5053 (Apr. 2, 1997) (same).

<sup>6</sup> The original Compact provided for automatic stay of a final Commission order or decision upon the filing of an application for reconsideration. Act of Sept. 15, 1960, Pub. L. No. 86-794, § 1, tit. II, art. XII, § 16, 74 Stat. 1031, 1046 (1960). Article XIII, Section 4(e), of the current Compact provides just the opposite.

<sup>7</sup> *In re Rules of Prac. & Proc. & Regs.*, No. MP-91-05, Order No. 3600 (Jan. 17, 1991).

<sup>8</sup> See *In re Rapidtrans, Inc.*, No. AP-90-28, Order No. 3606 (Feb. 5, 1991) (applying pre-1991 rules to dismiss reconsideration but reopen and accept compliance documents); *In re P&T Transp. Co.*, No. AP-87-28, Order No. 3131 (Mar. 8, 1988) (denying reconsideration but reopening to accept new evidence).

<sup>9</sup> Eg., *In re Norvel F. Wood, Jr., t/a D C Tours & Transp.*, No. AP-06-070, Order No. 10,263 (Feb. 1, 2007) (denying reconsideration but reopening and accepting compliance documents); *In re Titus A A Nmashie, t/a Tan Transp.*, No. AP-06-066, Order No. 10,235 (Jan. 18, 2007) (same); *In re Dominic McDuff, t/a Safety First Medical Transp.*, No. AP-06-060, Order No. 10,234 (Jan. 18, 2007) (same); *In re Derrick Chapman*, No. AP-06-041, Order No. 10,233 (Jan. 18, 2007) (same).

<sup>10</sup> See *In re Double Decker Bus Tours, W.D.C., Inc.*, No. AP-95-21, Order No. 5963 (Aug. 15, 2000) (reopening application proceeding pursuant to Rule No. 26-04 to determine whether certificate of authority was granted and/or issued in error contrary to the public interest five years earlier); *In re The Greyhound Corp.*, Order No. 3426 (Oct. 26, 1989); (reopening App. No. 96 dismissed 25 years earlier in Order No. 366); *In re Safeway Trails, Inc.*, App. No. 96, Order No. 3337 (May 15, 1989) (same).

then becomes whether the standard of Rule No. 26-04 has been met. Rule No. 26-04 provides that:

If, after the hearing in a proceeding, the Commission shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such proceeding, the Commission will issue an order reopening.

It would not be in the public interest to require an applicant properly before the Commission on reconsideration to consume additional resources, its own as well as the Commission's, prosecuting a new application when the substantive conditions of the grant have been satisfied. Declining to reopen under these circumstances would delay the benefits to the public of increased competition and would be contrary to the public interest by making the new entrant a less formidable competitor through the diversion of financial resources from provision of "safe and adequate transportation service, equipment, and facilities."<sup>11</sup>

The Commission has approved the issuance of certificates of authority in the past in situations similar to this. In those cases, the 180-day approval period had run, and the conditional grant was considered void, but applicants satisfied the substantive conditions of the grant within the thirty-day window for seeking reconsideration.<sup>12</sup> Reopening on the basis of compliance documents timely submitted in support of an application for reconsideration strikes an appropriate balance between the public interest in conserving resources as contemplated by Rule No. 26-04, on the one hand, and the need for closure and maintaining the integrity of the Commission's fitness findings as promoted by Regulation No. 66, on the other.

The *Westview* case cited by City Sightseeing DC is inapposite because the applicant in that case: (1) sought a sixty day extension; (2) still had not satisfied the conditions of the grant thirty-five days after the 180-day deadline had passed; and (3) offered no assurance that sixty days would be enough.<sup>13</sup> Had the applicant in *Westview* satisfied all of the conditions of the grant within thirty days after the 180-day deadline had passed, Commission precedent would have supported reopening the proceeding and issuing applicant's certificate of authority.<sup>14</sup>

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<sup>11</sup> Compact, tit. II, art. XI, § 5(a).

<sup>12</sup> *In re JBT Enterprise, LLC, t/a Access Mobility Transp.*, No. AP-05-111, Order No. 9755 (July 19, 2006) (citing *In re Dillon, Inc. t/a Perfedia Sedan and Limo. Servs.*, No. AP-05-84, Order No. 9572 (May 18, 2006); *In re Tech Systems, Inc.*, No. AP-05-81, Order No. 9571 (May 18, 2006) *In re Smart Ride, Inc.*, No. AP-05-67, Order No. 9570 (May 18, 2006)).

<sup>13</sup> Order No. 6557.

<sup>14</sup> See *In re Old Town Trolley Tours of Wash., Inc., & D.C. Ducks, Inc.*, No. AP-96-44, Order No. 5053 (Apr. 2, 1997). (granting 30-day waiver of Regulation No. 66).

### **B. Satisfaction of Conditions**

City Sightseeing DC contends that applicant has not satisfied the condition prescribed in Order No. 9651 that applicant file a tariff "in accordance with Commission Regulation No. 55" because the tariff filed by applicant does not contain any rules, regulations and practices pertaining to rates, fares, charges and services.

Article XI, Section 14(a), of the Compact provides that: "Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing (i) fixed-rates and fixed-fares for transportation subject to this Act; and (ii) practices and regulations including those affecting rates and fares, required by the Commission." (emphasis added).

Commission Regulation No. 55-07(c) requires in turn that a tariff shall contain: "A statement of the carrier's rules, regulations, and practices that pertain to rates, fares, charges, transportation, and transportation related services." (emphasis added). This regulation does not say what rules and regulations a carrier must adopt, or even that a carrier must have rules and regulations, but merely that the rules and regulations a carrier has adopted must be stated in the carrier's tariff.

If the words "the carrier's" were absent, then we would agree with City Sightseeing DC that each carrier would be under a duty to adopt rules and regulations for display in a tariff. Indeed, that was exactly the thrust of Regulation No. 55 prior to its amendment in 1991 pursuant to Order No. 3600, which revised the Commission's Rules and Regulations to effectuate amendments to the Compact in 1990.<sup>15</sup>

Prior to the 1990 amendments, the Compact required each carrier to file a tariff showing fares and "to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares."<sup>16</sup> This was implemented through Regulation No. 55-05(3) which stated that each tariff shall contain: "Rules, regulations and practices covering the general application of fares and charges and other pertinent matters." Carriers, thus, were under a duty to adopt rules and regulations and file them in a tariff prior to 1991. That degree of economic regulation, however, was precisely the target of the 1990 amendments.

The 1990 congressional testimony of Carlton R. Sickles, Chairman of the Washington Metropolitan Area Transit Regulation Compact Review Committee, highlights the objectives of the 1990 amendments:

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<sup>15</sup> *In re Rules of Prac. & Proc. & Regs.*, No. MP-91-05, Order No. 3600 (Jan. 17, 1991).

<sup>16</sup> Act of Sept. 15, 1960, Pub. L. No. 86-794, § 1, tit. II, art. XII, § 5(a) 74 Stat. 1031, 1039 (1960) [Original Compact].

The new Compact is a comprehensive revision that incorporates stylistic and substantive changes to enhance the efficiency of the WMATC. In brief, the revised Compact lowers barriers to market entry and reduces rate and accounting oversight, while maintaining a regional approach to transportation and keeping those controls necessary for the security of the public.<sup>17</sup>

Consistent with the objective of reduced rate oversight, carriers today need not include rules and regulations in a general tariff unless they intend to enforce them. The Commission, however, may still hear a complaint about, or inquire into, a particular carrier's practice of operating without rules and regulations and order appropriate relief, including requiring the adoption of specific rules and regulations, as warranted.<sup>18</sup>

City Sightseeing DC also contests applicant's tariff provision allowing children less than five years old to ride free of charge on the theory that this violates the requirement in Regulation No. 55-07(d) that: "Rates, fares, and charges shall be expressed in dollars and cents of United States currency and shall be universally applicable to all customers, except for operations covered by contract tariffs." (emphasis added) This language from Regulation No. 55-07(d) is just another way of saying that a carrier shall have only one general tariff and that said tariff shall apply to any passenger not covered by one of the carrier's contract tariffs, if any.

Furthermore, Article XI, Section 16(a), of the Compact recognizes that carriers may establish rates by class of customer, provided that no class enjoys any undue preference. It would appear that applicant's rate policy in this regard is designed to meet the competition. Applicant's competitors, Old Town Trolley Tours of Washington, Inc., WMATC No. 124, and Gold Line, Inc., WMATC No. 14, operate sightseeing buses under a similar per capita rate structure. Old Town does not charge for children under four, and Gold Line generally does not charge for children under three. Such a policy is not unduly preferential.<sup>19</sup>

### C. Post-Grant Conduct

Finally, City Sightseeing DC complains that the name "City Sightseeing" appears on page two of applicant's tariff "despite the

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<sup>17</sup> *Granting the Consent of Congress to the Wash. Metro. Area Transit Reg. Compact, Hearing Before the Subcomm. on Admin. Law & Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 2d Sess. 35 (1990) (emphasis added).*

<sup>18</sup> See Compact, tit. II, art. XI, § 16 (Commission may hear complaint/investigate carrier practice and prescribe lawful regulation); art. XIII, § 1 (Commission may hear complaint/investigate carrier practice and effect just and reasonable relief).

<sup>19</sup> See *In re Interstate Taxicab Rates and Charges*, No. MP-05-032, Order No. 9240 at 6-7 (Jan. 6, 2006) (adopting children-ride-free policies of local taxicab licensing jurisdictions for interstate trips).

specific conclusions of the Commission in Order No. 9651 regarding a public interest issue with respect to name confusion."

Just so the record is clear, we made no findings on the issue of name confusion in Order No. 9651. We did observe, however, that: (1) protestant requested "that the Commission deny the application or, in the alternative, require applicant to "alter its name so as to eliminate confusion;" (2) "[t]he appropriate remedy for potential name confusion is ordering an applicant to propose a different name for use in the Metropolitan District, rather than denying an application;" and (3) "[a]fter the protest was lodged, applicant of its own volition amended its legal name to CSL LLC, yielding the alternative relief sought by protestant."

While it was inappropriate of applicant to submit its rate sheet on "City Sightseeing" letterhead, the subheading clearly states that the rates displayed are those of CSL, LLC. We find that using "City Sightseeing" letterhead under these circumstances is not so egregious as to warrant withholding Certificate No. 1240.<sup>20</sup> Applicant, however, shall refrain from using that name in the Metropolitan District, directly or indirectly, in the future.

### III. CONCLUSION

We find that as of January 12, 2007, applicant had satisfied the conditions specified in Order No. 9651. Accordingly, we shall reopen this proceeding and issue Certificate No. 1240, subject to the requirement that within thirty days, applicant shall file a new general tariff omitting any reference to "City Sightseeing".

THEREFORE, IT IS ORDERED:

1. That this proceeding is reopened.
2. That Certificate of Authority No. 1240 shall be issued to CSL, LLC, 1791 Lanier Place, N.W., #34, Washington, DC 20009.
3. That within thirty days, applicant shall file a new general tariff omitting any reference to "City Sightseeing" and that the \$50 filing fee under Regulation No. 67-01 shall apply.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>20</sup> See *In re Ruchman & Assocs., Inc., t/a RAI, Inc.*, No. AP-91-32, Order No. 3911 (Mar. 25, 1992) (affirming fitness finding in conditional grant order despite subsequent operations prior to issuance of certificate of authority).

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,304

IN THE MATTER OF:

Served March 5, 2007

GOODFRIENDS TRANSPORTATION LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 1040 )

Case No. MP-2007-043

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1040 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$50 shall be due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent was cancelled on January 29, 2007, effective March 5, 2007, and has not been replaced. Certificate No. 1040, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

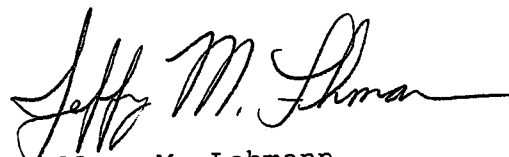
In addition, respondent has neither filed a 2007 annual report nor paid the \$150 annual fee for 2007. Under Regulation No. 67-03, respondent also owes \$200 in late fees for failure to timely file a 2007 annual report and timely pay the 2007 annual fee.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 1040, unless and until otherwise ordered by the Commission.

2. That within thirty days, respondent shall file the necessary WMATC Insurance Endorsement(s), submit a 2007 annual report, and pay by money order, certified check, or cashier's check the sum of \$400, or show cause why Certificate No. 1040 should not be revoked pursuant to Article XI, Section 10(c), of the Compact.

FOR THE COMMISSION:



Jeffrey M. Lehmann  
Acting Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,303

IN THE MATTER OF:

Served March 5, 2007

PEOPLE HELPING PEOPLE, )  
INCORPORATED, Suspension and )  
Investigation of Revocation of )  
Certificate No. 429 )

Case No. MP-2007-042

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 429 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum. Under Regulation No. 67-03(c), \$50 shall be due and payable upon the failure of a carrier to timely file an acceptable WMATC Insurance Endorsement.

The \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired on March 3, 2007, and has not been replaced. Certificate No. 429, therefore, is automatically suspended under Regulation No. 58-02 and may be revoked if respondent fails to file the necessary WMATC Insurance Endorsement(s) and pay the \$50 late fee within thirty days.

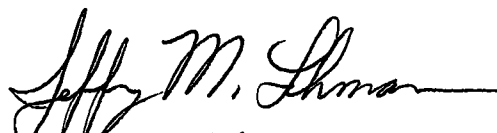
In addition, respondent has not filed an acceptable 2007 annual report. Under Regulation No. 67-03, respondent also owes \$200 in late fees for failure to timely file an acceptable 2007 annual report and pay its 2007 annual fee.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 429, unless and until otherwise ordered by the Commission.

2. That within thirty days, respondent shall file the necessary WMATC Insurance Endorsement(s), submit an acceptable 2007 annual report, and pay by money order, certified check, or cashier's check the sum of \$250, or show cause why Certificate No. 429 should not be revoked pursuant to Article XI, Section 10(c), of the Compact.

FOR THE COMMISSION:

  
Jeffrey M. Lehmann  
Acting Executive Director